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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/044,225

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EXAMINER

TINKLER, MURIEL S

ART UNIT

PAPER NUMBER

3691

MAIL DATE

DELIVERY MODE

10/03/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/044,225	Applicant(s) KELLER ET AL.	
	Examiner MURIEL TINKLER	Art Unit 3691	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This application has been reviewed. Claims 2-8 have been amended. Claims 9-18 are cancelled. Therefore, claims 1-8 are pending. The rejection(s) are as follows.

Response to Amendment

1. The Applicant has amended claims 2-8 to overcome the 35 USC 112, second paragraph rejection. The Examiner has reviewed the amendments have been accepted the amendments of claims 2-8 for review. The amendments have overcome the 35 USC 112, second paragraph rejection of claims 2-8.

Response to Arguments

2. Applicant's arguments, see page 4, filed June 9, 2008, with respect to the 35 USC 112, second paragraph rejection of claims 2-8, have been fully considered and are persuasive. The 35 USC 112, second paragraph rejection of claims 2-8 has been withdrawn.

3. Applicant's arguments filed June 9, 2008, with respect to the 35 USC 103 Rejection of claims 1-8 have been fully considered but they are not persuasive. The Applicant argues that Olson is sending a signed check, whereas the Applicant is attempting to solicit a signature from the recipient to authorize a transaction.

4. The Examiner disagrees with the Applicant with regard to the argument that Olson is sending a signed check, whereas the Applicant is attempting to solicit a signature from the recipient to authorize a transaction. The Applicant has not claimed

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the act of attempting to solicit a signature from the recipient to authorize a transaction. Instead, the Applicant has claimed 'a signature placed in said signature region.' Olson discloses a signature region that constitutes authorization to withdraw a described fee from a described account in figure 1, see the signature above the words "BANK TREASURER". This signature allows the recipient to deposit funds from the account of the 'BANK TREASURER' to the account of the recipient.

5. Applicant's arguments, see page 4, filed June 9, 2008, with respect to the rejection(s) of claim(s) 1-2 and 4-8 under 35 USC 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Schrupp (US 5,924,737). The Examiner agrees with the Applicant with regard to the argument that Olson does not disclose text on said mailer sheet describing that a signature placed on said signature region constitutes authorization to withdraw a described fee from a described account. There is no such 'text' in Olson that describes or infers that a signature with authorize a withdrawal. The Examiner notes that it would be obvious that a person would have to sign (endorse) a check in order for it to be cashed at a bank. Schrupp teaches an signature section, that discloses that it is required in figure 1 (element 40). Schrupp further discloses in column 5 (lines 18-27), that, "the endorsement line will be used by the payee (24) to endorse the check (10), thereby allowing the check (1) to be deposited in the payee's account... The location of the endorsement line (40) and the area for bank of first deposit (72) on a postcard check is regulated by I.S. banking

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regulations. Consequently, the design of the check (1) of the present invention meets both U.S. postal and banking regulations relating to postcard checks.”

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 1, 2 and 4-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Olson et al. (US 5,667,134) in view of Schrupp (US 5,924,737), hereafter referred to as Olson and Schrupp respectively.

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9. Claim 1 discusses a mailer sheet comprising first and second opposite sides, each said side divided into first and second sections by a line of reduced strength allowing folding along said reduced strength line and allowing selective detachment of one section from the other; said mailer sheet including: a) a primary addressee region on said first side, first section; b) a secondary addressee region on said second side, second section; c) a signature region on said first side, second section; and d) text on said mailer sheet describing that a signature placed in said signature region constitutes authorization to withdraw a described fee from a described account. See Olson, figures 1 & 2.

10. Olson does not disclose text that describes that the signature constitutes authorization to withdraw a described fee from a described account. Schrupp teaches the use of an endorsement/signature required to withdraw a described fee from one account and place it into another account. The Examiner notes that it would be obvious that a person would have to sign (endorse) a check in order for it to be cashed at a bank. Schrupp teaches a signature section, that discloses that it is required in figure 1 (element 40) and column 5 (lines 18-27). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Olson to include an endorsement line so that the check can be treated as an official bank check and so that it can be deposited into a bank account.

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11. Claim 2 discusses a mailer sheet according to claim 1, further comprising a unique identifier associated with a record stored in a database. See the rejection of claim 1 above. See also Olsen, element 36.

12. Claim 4 discusses a mailer sheet according to claim 1, wherein said mailer sheet is sized such that when folded along said line of reduced strength, and complies with US Postal regulations for double postcard. See the rejection of claim 1 above. See also Olson, column 1 (lines 8-19).

13. Claims 5 and 6 discuss a mailer sheet according to claim 1, wherein said first and second sections are each 4.25 inches by 6 inches. See the rejection of claim 1 above. See also Olson, column 2 (lines 35-67) and figures 1 & 2.

14. Claim 7 discusses a mailer sheet according to claim 1 of card stock material. See the rejection of claim 1 above. See also Olson, column 4 (lines 2-19).

15. Claim 8 discusses a mailer sheet according to claim 1, wherein said line of reduced strength is a perforated line. See the rejection of claim 1 above. See also Olson, Abstract.

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16. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Olson and Schrupp as applied to claim 1 above, and further in view of Bellinger et al. (US 5,870,725), hereafter referred to as Bellinger.

17. Claim 3 discusses a mailer sheet according to claim 1, further comprising a miniature image of a previously written, processed, and returned negotiable instrument. See the rejection of claim 1 above. Olson discloses the information in claim 1. Olson does not disclose displaying an image of a previously written, processed, and returned negotiable instrument. Bellinger teaches this in column 14 (lines 42-65). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Olson to include an image of a processes check because it provides a receipt to the user verifying that funds have been processed accurately.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MURIEL TINKLER whose telephone number is (571)272-7976. The examiner can normally be reached on Monday through Friday from 6:30 AM until 3 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571)272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. T./
Examiner, Art Unit 3691

/Hani M. Kazimi/
Primary Examiner, Art Unit 3691